

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Boards of Trustees of the Ohio:
Laborers' Fringe Benefit
Programs, :

Plaintiffs, :

v. : Case No. 2:06-cv-0490

Beaverdam Contracting, Inc., : JUDGE SMITH
et al., :

Defendants.

REPORT AND RECOMMENDATION

On October 3, 2007, the Court conducted a show cause hearing on plaintiffs' motion for an order of contempt. Counsel for plaintiffs appeared and represented that an agreement had been reached between the parties that provided for a finding of contempt. A facsimile copy was presented at the hearing, which has now been supplemented by the submission to the Court, by way of a letter from plaintiffs' counsel copied to Andrew James and Beaverdaum Contracting, Inc., of the original signed proposed order. It is therefore recommended that the motion for contempt (#21) be granted and the Court enter the proposed order, a copy of which will be attached to this Report and Recommendation.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within ten (10) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A judge of this Court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a judge of this Court may

accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the magistrate judge with instructions. 28 U.S.C. §636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. See Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

/s/ Terence P. Kemp
United States Magistrate Judge